

**Honorable City Planning Commission
Cincinnati, Ohio**

**August 4, 2006
September 1, 2006**

SUBJECT: A report and recommendation on a proposed zone change at 2500-2512 Highland Avenue from the CC-P Commercial Community Pedestrian to CC-M Commercial Community Mixed District in the community of Mt. Auburn.

ZONE CHANGE UPDATE:

On July 7, 2006, at the request of the applicant, the Cincinnati Planning Commission (CPC) tabled this zone change request for 2500-2512 Highland Avenue. The Commission requested that City staff work with the developer to decide if there is any scenario where a drive-thru would work at the site and if not some other uses.

On Tuesday July 11, 2006, City staff from Department of Transportation and Engineering (DOT) and Department of Community Development and Planning (DCDP) met with the applicants for the zone change. It was determined at the meeting that if the zoning was changed to CC-M, the proposed site plan would require variances. The applicant would need variances for the placement of the Taco Bell building and from the prohibition of parking along the street frontage. In addition DOT believes that any drive-thru would be inappropriate and unsafe at the intersection of McMillan and Highland and would oppose curb cuts. DOT staff and Planning staff do not feel that it is appropriate in this situation to recommend a zone change request that then requires variances and creates an unsafe condition at the intersection. Other uses that would not require a zone change were discussed at the meeting. The applicant requested that his current zone change request proceed through the process.

GENERAL INFORMATION:

Petitioner: Dave Schaff
The JFP Group, LLC
625 Eden Park Drive, Suite 1025
Cincinnati, Ohio 45202

Request: A change of zoning at 2500-2512 Highland Ave. from the CC-P Commercial Community Pedestrian to CC-M Commercial Community Mixed District in the neighborhood of Mt. Auburn.

Adjacent Land Use and Zoning:

South: RMX Residential Mixed 1-3 dwelling units

East: CC-M Commercial Community Mixed
CC-A Commercial Community Auto

North: OG Office General

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West: PD Planned Development
RMX Residential Mixed 1-3 dwelling units

Staff Conference: The Planning Division staff held a public conference on this request on Thursday June 22, 2006. Three neighboring property owners and Stanley Broadnax, President of the Mt. Auburn Community Council were in attendance. The three abutting property owners and the Mt. Auburn Community Council are opposed to the zone change for similar reasons, which are outlined below:

1. Concern that the combination of the McMillan Manor development and the two proposed developments on the other corners will overburden the community with increased population and cars.
2. Concern that the drive thru restaurant will increase traffic congestion at the intersection.
3. Concern that there was a lack of community input and minority inclusion early in the developers planning process.

Since the properties included in this zone change request are near the Corryville neighborhood, both Mt. Auburn and Corryville were notified. Notices were sent to property owners within a 400-foot radius of the subject property. See the attached letters from the Mt. Auburn and the Corryville Community Council. Although technically the properties are not located in Corryville, they have written a letter of support of the proposed zone changes.

Although not required, the JFP Group used the same mailing list as city staff and held an informational public meeting in the Mt. Auburn community to explain the zone change and answer questions. In addition, the JFP Group presented their zone change at both the Mt. Auburn and Corryville Community Council meetings.

BACKGROUND:

Zoning History: Historically the northeast (2500-2512 Highland Avenue) and northwest corners of this intersection had commercial zoning and the southeast and southwest corners had multi-family mixed-use transitional zoning. When JFP bought these properties, there were mixed-use buildings on the site that have since been demolished.

Existing Use: The properties at 2500-2512 are vacant cleared sites.

Proposed Use – 2500-2512 Highland Avenue: The petitioner proposes to construct a drive-thru Taco Bell restaurant on the site. This restaurant will seat 52 patrons and provide 25 parking spaces along with on-site stacking capacity for 15 cars for the drive-thru.

FINDINGS:

Community Response: As stated above with the summary of the zoning staff conference, the Mt. Auburn Community Council is opposed to the re-zoning of both properties and the Corryville Community Council is supportive of both zone changes.

ANALYSIS:

2500-2512 Highland Avenue – Taco Bell drive-thru restaurant

Historically this intersection has not had or been zoned for auto-related businesses. McMillan Street is a major four-lane arterial with on street parking on both sides of the street. Approximately 19,100 vehicles pass the site daily. Highland Avenue is a four-lane major collector road. Approximately 7,510 vehicles pass the site daily. Based on Department of Transportation and Engineering (DOT) comments related to the Institute of Transportation Engineers Trip Generation Manual and the Uptown Transportation Study this intersection can't handle a new auto related drive-thru restaurant facility nor a zoning district that permits other types of auto-oriented uses. See the attached E-mail.

Other issues related to a drive-thru restaurant include the location and sound level of the drive-thru speaker, the location and screening of a dumpster, and a potential increase of trash in the neighborhood. Additionally, if this drive-thru restaurant is developed, parking will be a problem. This is a 52-seat restaurant that will employ 50 people. Only 25 parking spaces are being provided.

CONCLUSIONS:

2500-2512 Highland Avenue - Taco Bell drive-thru restaurant

1. This property has historically been zoned commercial, but has never been an auto-oriented commercial zone.
2. Based on Department of Transportation and Engineering (DOT) comments related to the Institute of Transportation Engineers Trip Generation Manual and the Uptown Transportation Study this intersection can't handle a new restaurant facility with a drive-thru.
3. The new CC-M zoning designation is not consistent with the current uses at this intersection.
4. The CC-M zoning designation will negatively impact the existing character of the surrounding area and this area cannot handle the type of auto-related uses permitted in this zoning district.
5. The benefits of the proposed use do not outweigh the negative impact on the neighborhood.
6. The zone change would then still require variances to construct the drive-thru as proposed.

RECOMMENDATION:

The staff of the City Planning Department recommends that the City Planning Commission take the following action:

1. Disapprove a zone change for the property located at 2500-2512 Highland Avenue from the CC-P Commercial Community Pedestrian to CC-M Commercial Community Mixed District for the following reasons:

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- a) This property has historically been zoned commercial, but has never been an auto-oriented commercial zone.
- b) Based on Department of Transportation and Engineering (DOTE) comments related to the Institute of Transportation Engineers Trip Generation Manual and the Uptown Transportation Study this intersection can't handle a new restaurant facility with a drive-thru.
- c) The new CC-M zoning designation is not consistent with the current uses at this intersection.
- d) The CC-M zoning designation will negatively impact the existing character of the surrounding area and this area cannot handle the type of auto-related uses permitted in this zoning district.
- e) The zone change would then still require variances to construct the drive-thru as proposed.

APPROVED:

Respectfully submitted,

Margaret A. Wuerstle, Chief Planner
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Senior City Planner

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